

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KPH HEALTHCARE SERVICES, INC., a/k/a  
KINNEY DRUGS, INC., individually and on  
behalf of all other similarly situated,

Plaintiff,

v.

ASTRAZENECA PHARMACEUTICALS L.P.,  
ASTRAZENECA L.P., ASTRAZENECA UK  
LIMITED, HANDA PHARMACEUTICALS,  
LLC, and PAR PHARMACEUTICAL, INC.

Defendants.

Civil Action No. 20-CV-01096-CM

Hon. Colleen McMahon

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, this action was filed in the Southern District of New York on February 7, 2020; a statement of relatedness to matters pending before Your Honor was filed on March 16, 2020; and the case was assigned to Your Honor on April 30, 2020 (Dkt. Nos. 1, 21);

WHEREAS, in May and June 2020, the parties completed the briefing of Defendants' Motions to Dismiss or Transfer this action (Dkt. Nos. 46, 51, 53);

WHEREAS, Plaintiff agreed to be bound to this Court's resolution of Defendants' Motion to Dismiss or Transfer in the related, earlier-filed *JM Smith* case (19-cv-7233), with respect to venue (Dkt. No. 46, at 1);

WHEREAS, on August 11 and 12, 2020, this Court entered Orders granting Motions to Transfer the *JM Smith* case—which involves the same putative class of direct purchasers and same forum selection clause as are implicated by Plaintiff's complaint—as well as other related actions, to the United States District Court for the District of Delaware (*see* 19-cv-07233-CM,

Dkt. No. 90; 19-cv-9999-CM, Dkt. 72; 19-cv-10049-CM, Dkt. No. 58; 19-cv-09271-CM, Dkt. No. 23; 20-cv-4483-CM, Dkt. 19).

ACCORDINGLY, IT IS HEREBY STIPULATED THAT this action shall be transferred to the United States District Court for the District of Delaware pursuant to 28 U.S.C. 1404.

DATED: September 9, 2020

Respectfully submitted by:

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**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2020

By: \_\_\_\_\_  
Hon. Colleen McMahon  
United States District Judge